

Serial No. 09/943,658
Docket No. 40655.4400

REMARKS

Applicant replies to the Office Action dated July 24, 2006 with a two-month extension of time. Claims 18-25 and 35-37 were pending in the application and the Examiner rejects claims 18-25 and 35-37. Support for the amendments to the claims and specification may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Rejections Under 35 U.S.C. § 112, ¶ 1

Claims 35-37 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserts that the, "to one of ordinary skill the Specification is unclear as to the exact relationship between the certificate and the signed challenge string" (page 2, item 3). Applicants respectfully disagree. However to expedite prosecution, Applicants amend claim 35 to remove the differentiation between the certificate and the signed challenge string.

Applicants assert that dependent claims 36 and 37, which depend from independent claim 35, are allowable for at least the same reasons as set forth above regarding independent claim 35, as well as in view of their own respective features.

Rejections Under 35 U.S.C. § 112, ¶ 2

Claims 35-37 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner asserts that Applicants' previously filed arguments stating that the challenge string and digital certificate are distinct data contradicts the teachings of paragraph 54, where, "Applicant equates the two, or at least requires one be an instance of the other" (page 3, item 5). Applicants respectfully disagree. However to expedite prosecution, Applicants amend claim 35 to remove the differentiation between the certificate and the signed challenge string.

Applicants assert that dependent claims 36 and 37, which depend from independent claim 35, are allowable for at least the same reasons as set forth above regarding independent claim 35, as well as in view of their own respective features.

Rejections Under 35 U.S.C. § 103

Serial No. 09/943,658
Docket No. 40655.4400

Claims 18-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Payne et al., U.S. Patent No. 5,715,314 ("Payne") in view of Purpura, U.S. Patent No. 6,421,768 ("Purpura") and in further view of Gifford, U.S. Patent No. 5,724,424. Applicants traverse this rejection.

Payne discloses a system for facilitating purchases and payment transactions over a network. The Payne system includes a buyer computer, a merchant computer and a payment computer interconnected over a network. Payne further discloses a buyer selecting a product to purchase, wherein the selected product has a corresponding payment URL. The payment URL further comprises a domain identifier, payment amount, merchant computer identifier, merchant account, various timestamps, buyer network address and a payment URL authenticator. Payne discloses that the payment URL authenticator is a hash being a defined key shared between the merchant and the operator of the payment computer. In other words, the hash itself is irrelevant to the purchase transaction details in that it only serves to authenticate the payment URL in order to ensure that the source of the payment URL is a legitimate merchant.

Purpura generally discloses a single sign on and authentication system and method. The Purpura system enables a user to log into a first computer system. When the user attempts to access a second secured computer, the second computer reads a cookie that was provided to the user's computer on authentication at the first computer. More specifically, when the first computer authenticates the user, it creates a cookie containing user characteristics and includes a digital voucher of the characteristics. The cookie is transmitted to the user's computer. When the user attempts to connect to a second secured computer, the second computer accesses the cookie and voucher. If the second computer "trusts" the authentication procedures of the first computer, then the user is granted access.

Gifford generally discloses a system for providing targeted online advertising to a user's computer in response to user inquiries. Moreover, the Gifford system enables a user to select an advertisement and submit a purchase request, wherein the request includes account information to facilitate payment for the purchase. If the request does not include information, then the merchant computer sends the buyer computer a request for account information. Specifically, the account information relates to a pre-authorized payment order that has been obtained from a network payment system. Thus, the merchant is not required to subject the user account to the typical account authorization processes.

Serial No. 09/943,658
Docket No. 40655,4400

Payne and Gifford each disclose systems and methods for performing online commerce in a secure environment, while Purpura relates to providing secure access to computing systems. The commerce systems of Payne and Gifford rely on the submission of account information, albeit in different manners. However, both references disclose presenting a buyer with payment options to enable the buyer to select a payment method that the buyer is able and/or willing to select. For example, a merchant may accept various payment methods; some being more secure than others. However, because the merchant is unaware of what payment instruments the buyer possesses, it is unable to direct the buyer to use the more secure method. Moreover, those skilled in the art will appreciate that more secure methods of ensuring the validity of a user and an account are being developed and implemented, including smart cards and biometrics. More and more personal computers are being equipped with such devices. Thus, it will become increasingly desirable for merchants to encourage or require such devices to be used when facilitating online commerce. The systems of Payne, Gifford, and Purpura test the user (e.g., passwords, account numbers, expiration dates, authorization code, billing address), yet no test is directed to the user's computing device. As such, neither Payne, Purpura, Gifford, nor any combination thereof, disclose or suggest at least, "interrogating said client computer for the presence of an authentication device" and "sending said user a challenge string when said client computer includes an authentication device," as recited by independent claims 18 and 23.

Applicants assert that dependent claims 19-22 and 24-25 depend from independent claims 18 and 23 and are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

Claims 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Payne in view of Gifford. Applicants traverse this rejection.

Applicants assert that neither Payne, Gifford, nor any combination thereof, disclose or suggest at least "interrogating said merchant computer for the presence of an authentication device" and "communicating to said merchant computer a challenge string to facilitate a user authentication process when said merchant computer includes an authentication device," as recited by independent claim 35. Moreover, claims 36 and 37 depend from independent claim 35, thus are differentiated from the cited references for at least the reasons described above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all

Serial No. 09/943,658
Docket No. 40655.4400

pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: 12/26/2006

By: Howard A. Sobelman # 57,413
Howard Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, Arizona 85004-2202
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com